

**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL REGULAR MEETING**

March 18, 2015 7:00 PM

PRESENT: Council Chairman Phil Nazzaro, Council Vice Chairman Gary Levy, Councilor Dale Pike, Councilor Amy Thompson, Councilor Toni Weinstein, Councilor Amy Burns, Councilor Larry Pickering

ALSO PRESENT: Town Administrator Steve Fournier

EXCUSED: None

AGENDA

Chairman Levy welcomed all present and called the meeting to order at 7:01 pm, followed by the Pledge of Allegiance.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Chairman Levy asked Town Administrator Fournier to briefly go over the protocol for choosing the new officials. Town Administrator Fournier stated that new Chairman and Vice Chairman were required to be elected at the first regular business meeting of the Town Council. He said that procedurally, if there was more than one (1) nominee, they would take up both nominations and go around the room with each Councilor stating his/her preference.

Town Council Chairman

Councilor Weinstein nominated Councilor Phil Nazzaro for Town Council Chairman, and Vice Chair Pike seconded the nomination.

As there were no other nominations put forward, the nomination to elect **Councilor Phil Nazzaro** as the new **Town Council Chairman** passed the council by a vote of 7-0.

Town Council Vice Chairman

Councilor Amy Thompson nominated Councilor Gary Levy for Town Council Vice Chairman, and Councilor Pickering seconded the nomination.

Councilor Weinstein nominated Councilor Dale Pike for Town Council Vice Chairman, but he declined.

As there were no other nominations put forward, the nomination to elect **Councilor Gary Levy** as the new **Town Council Vice Chairman** passed the council by a vote of 7-0.

PRESENTATION OF APPRECIATION

Chairman Nazzaro welcomed former Councilors Dan Wright and Ed Carmichael to the meeting. He stated that he was speaking for all Councilors in saying that both had done the Town proud through their professionalism and dedication. He said that there had always been healthy and robust discussions provided which benefitted the community, and that both Dan Wright and Ed Carmichael had put their personal desires aside to discuss what was best for the community during their tenure. He stated that he was sorry to see them go, and that it was his honor and privilege to present each with a token clock. He added that former Councilor John Bentley had been unable to attend the meeting.

TOWN COUNCIL TO APPOINT TOWN COUNCIL REPRESENTATIVES TO PLANNING BOARD AND BUDGET COMMITTEE

Planning Board and Planning Board Alternate

Vice Chair Levy nominated Councilor Dale Pike as Town Council Representative on the Planning Board, and Councilor Weinstein seconded the nomination.

As there were no further nominations put forward, the nomination to appoint **Councilor Dale Pike** as Town Council Representative on the **Planning Board** passed the council unanimously, 7-0.

Budget Committee Representative

Councilor Amy Thompson nominated Councilor Larry Pickering as Town Council Representative for the Budget Committee, which was seconded by Vice Chair Levy.

As there were no other nominations put forward, the nomination to appoint **Councilor Larry Pickering** as Town Council Representative on the **Budget Committee**, passed the council unanimously, 7-0.

Alternate Representative to the Planning Board

Chairman Nazzaro asked for nominations for an Alternate Town Council Representative to the Planning Board. As no nominations were forthcoming, he then asked for volunteers. Vice Chair Levy offered to fill the position as did Councilor Amy Burns.

Councilor Pike nominated Councilor Levy as Alternate Town Council Representative to the Planning Board, which was seconded by Councilor Weinstein. Councilor Amy Thompson nominated Councilor Amy Burns, which was seconded by Councilor Levy.

Councilor Levy was approved as **Alternate Representative to the Planning Board**, by a vote of 6-1.

PUBLIC FORUM

Chairman Nazzaro opened the Public Forum at 7:11 pm and asked whether anyone from the public wished to speak.

Mr. Allen of Moody Point addressed the Council. He first referred to information he had distributed to the Council regarding the opening of the Panama Canal. He said that “in our own Town paying taxes” was a consolidation/dispatch center in Newfield for the overflow in Newmarket. A connection could be made from Route 152 to the line, then to Route 125 and to Epping, with the biggest ships in the world coming in. He said that consolidations equaled jobs, with 200 truck drivers floating a ship for \$60,000 per year, and that consolidators would be willing to move to the area to put a ship together. He said that alternative gas from the dump could be used to pump natural gas for refrigeration. He mentioned the specialized cranes were needed for ships, and that appliance dealers would be needed which could drop costs of appliances by \$20/each. He said that cars could be loaded on a roll on/roll off service from the East Coast, and cattle could also be shipped out instead of first being hauled by livestock trailer to California. He added that refrigerated containers could also be used to transport produce overseas. He said that consolidation companies would work well here and boom business for the Town. Mr. Allen next stated that the property owners in Town were not happy with how the School was acting, specifically in regard to the Joint Advisory Committee. Chairman Nazzaro suggested that Mr. Allen address the School Joint Advisory Committee with his concerns. Mr. Allen stated that the School needed to learn to negotiate and that they were a corporation playing boardroom tactics against Council members, but that the Town was also a corporation. He felt that bringing up first amendment rights and 14th amendment rights regarding protection of law at a meeting should result in more than an “invitation”. Chairman Nazzaro suggested that if he had an issue with the way a meeting was being run by a committee, that he tell that committee. Mr. Allen then raised the issue of the 75 students in Newmarket who were being home schooled. He stated that the School said very little money was being spent, but that incentives paid by the School came to approximately \$10,000 per student. Chairman Nazzaro suggested that he speak with the School Board regarding this issue and encouraged him to attend the next meeting.

Chairman Nazzaro closed the Public Forum at 7:20 pm.

PUBLIC HEARING – None

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES

Acceptance of Regular Minutes of March 4, 2015

Vice Chair Levy made a motion to approve the minutes of the regular meeting of March 4, 2015, and Councilor Weinstein seconded.

As there were no changes or questions, Town Administrator Fournier polled the council and the minutes of the Regular Meeting of March 4, 2015 were approved 4-0, with 3 abstentions.

Acceptance of Non-Public Minutes of March 4, 2015

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Vice Chair Levy made a motion to approve the minutes of the non-public meeting of March 4, 2015, and Councilor Weinstein seconded.

As there were no changes or questions, Town Administrator Fournier polled the council and the minutes of the Non-Public Meeting of March 4, 2015, were approved 4-0, with 3 abstentions.

Acceptance of Budget Review Session II Minutes of October 29, 2015 (Revised)

Councilor Weinstein made a motion to accept the revised minutes of the Town Budget Review Session II, held on October 29, 2015. Vice Chair Levy seconded the motion.

As there were no changes or questions, Town Administrator Fournier polled the council and the minutes of the Town Budget Review Session II, October 29, 2015 were approved 4-0, with 3 abstentions.

REPORT OF THE TOWN ADMINSTRATOR

Town Administrator Fournier first took the opportunity to **welcome the new councilors**: Councilor Burns, Councilor Pickering, and Councilor Thompson. He stated that he had provided them with copies of the Town Charter, Council Rules of Procedure, and information on the Right-to-Know Law and parliamentary procedures, and that he would be scheduling an orientation session. He next reported that there was a vacant position on **Trustees of the Trust Funds**, and that the Town Council should fill this vacancy. He asked that interested persons contact him to fill out an application. He next addressed **COAST Bus Service Route 7**, stating that service to Newmarket would be ending effective July 1, 2015. He said that this also included all ADA paratransit service for the disabled, and that COAST had cited lack of local financial support from communities along the route as the reason for eliminating services. He added that \$23,000 had already been budgeted for the next fiscal year, which would not be distributed. Town Administrator Fournier stated that there was an additional transportation option for the Town with UNH Wildcat Transit, which was open to the public, and would be routed through Durham, Dover and Lee with transfer available to Portsmouth. He added that Lamprey Health Care would continue to provide transportation services for the elderly and disabled in the community, and stated that the Federal Transit Administration required that public outreach meetings be scheduled prior to any elimination of services.

Town Administrator Fournier next reported on the **Fiscal Year 2015 Budget**, stating that 67% of the budget had been expended by the end of February. He said that Public Works had seen some of the larger expenses due to winter storms, and that overtime, salt, winter equipment rental, and vehicle maintenance were all over expended, though the departments were not. At the current rate of expenditures, he estimated being 0.5% under budget at the end of the fiscal year, and said he had advised department heads to limit discretionary spending. He stated that they were continuing to see higher than anticipated revenues, with motor vehicle registrations up 5% over last year and building permits up 72%, with 77% of estimated revenues collected to date. Town Administrator Fournier lastly addressed the **Waste Water Treatment Regionalization**, with regard to the request from the Council to provide further research on costs. He stated that he had asked Wright Pierce to prepare a presentation to be made to the Council sometime in April, and was asking a third party to review the estimated costs.

He added that Mr. Bill Arcieri, the Town representative to the Southeast Watershed Alliance, would be providing an update on their group efforts to address the non-source point nitrogen issue, which would also be scheduled for April.

Town Administrator Fournier addressed one more issue regarding the upcoming **Spring Cleanup**, not included in his written report. He stated that due to a shrinking program budget, it would not be the same as in past years. As a result of the financial constraints, the program would be cut back and only done on certain days.

Discussion: Councilor Pike questioned the number of pie charts used in the Fire & Rescue report, and suggested different formats be used for presenting some of the information. Councilor Weinstein asked whether the UNH Wildcat bus service included services for the disabled, and Town Administrator Fournier replied that they did not offer scheduled pickup service. Councilor Weinstein next questioned the accuracy of the website regarding listed vacancies, as some of the listings did not seem to be up-to-date. Town Administrator Fournier asked that she report any errors found to him or the Administrative Assistant. She said that she understood that the Town Council appointed the Trustees of the Trust Fund, and asked the process for other boards listed. Town Administrator Fournier said that it depended on the board. Councilor Weinstein then asked how notification for the upcoming Visioning Process, listed on the Planning Board report, would be communicated as it was scheduled to be held in one (1) month. Town Administrator Fournier replied that notification would be sent through the press, via email newsletter, and by Channel 13, and that he would verify the date. Councilor Thompson stated that she had been a member-at-large on the Economic Development Committee, and that a vacancy would be opening up. She then asked whether there would be any opportunities during the Spring Cleanup for the Scouts or Linked Together to participate, perhaps assisting the elderly or disabled. Town Administrator Fournier replied that the Town would be picking up for the elderly or disabled, and that certain materials could not be picked up by the youth due to liability issues with the chemicals. He added that he would look into possible volunteer opportunities.

Vice Chair Levy questioned the \$23,000 that had been budgeted for COAST Bus Service, specifically the wording that the funding would not be distributed and any future contribution would have to relate to COAST services provided. He understood that the money would then remain untouched and would not be fungible, and felt that the wording was confusing. Town Administrator Fournier replied that the funds would not be distributed to COAST and that the line item would remain in the budget. Vice Chair Levy asked if no alternative to COAST was found, would the funds be earmarked only for transportation, and Town Administrator Fournier replied that funds could be moved around. Vice Chair Levy then cited the revenue increases in Motor Vehicle registrations and in building permits, and asked whether information could be presented to the Council at the next meeting showing what this equated in dollars and cents. He then asked Town Administrator Fournier who he had in mind as a third party to review the estimated costs for the Waste Water Treatment Regionalization. Town Administrator Fournier replied that he planned to use Hoyle Tanner, a firm out of Manchester and Portsmouth. Vice Chair Levy also suggested that under Planning, some sort of timeline be used regarding the Newmarket Industrial Park Excavation so that it would not go on to infinity. Chairman Nazzaro seconded the suggestion made by Councilor Weinstein regarding updating appointments and vacancies listed on the website. He then questioned whether any sort of information campaign was being planned to inform people on a day-to-

day basis of changes to the transportation services for the community with regard to COAST. Town Administrator Fournier replied that Exeter and Newmarket would be meeting with COAST to investigate other possible alternatives, and that Wildcat Transit was already providing routes. Chairman Nazzaro felt that it was unconscionable for COAST to be cutting an entire bus line and only scheduling one meeting for a Tuesday afternoon, and asked if an evening or weekend meeting could be set up.

Chairman Nazzaro next announced the recent promotions in the Fire Department, and congratulated new Deputy Chief Bill Barr, new Captain Evan Bonney, and new Lieutenants Kenny Kao and Matt Kelley.

Councilor Pike asked whether a meeting had yet been set up regarding the bike paths proposed for the Town, and Town Administrator Fournier replied that a date had not yet been set. Vice Chair Levy questioned the accuracy of the budgeting for gas and diesel under Public Works. He pointed out that \$16,000 had been budgeted in 2014 and \$46,700 spent, with \$16,000 also budgeted for 2015 and \$33,000 spent. Town Administrator Fournier replied that in the past they had been closer to the \$16,000, but that the increase in snow events over the past two years had resulted in the overages. Vice Chair Levy also questioned the increase under Contracted Services, and Town Administrator Fournier replied that the bulk of the cost was due to snow removal using bucket trucks and loaders overnight, for which they contracted out. Vice Chair Levy expressed that he was relieved to hear that the young child involved in the recent child abuse situation was doing well, and asked that this be passed along to the Police Department and the family.

COMMITTEE REPORTS

Councilor Weinstein reported on the prior week's meeting of the Conservation Commission. She stated that a representative from Wright Pierce had given a presentation on "alteration of terrain", and that the Conservation Commission had no concerns or comments regarding the issue. She said that there had been a presentation from Southeast Land Trust proposing they take over the open space conservation of a development off Bald Hill Road. She said that they had discussed whether the Homeowners Association or a conservation group would be the best owner of the property. The Conservation Commission had agreed that the owner should be a conservation group and said that they were looking for funding.

Vice Chair Levy reported on the School Joint Advisory Committee, saying that Councilor Pike had stepped in and had made a nice contribution. He said that Mr. Randy Bell was on schedule to sum up the process by April 15th. He encouraged anyone interested in the School Joint Advisory Committee who wished to have input as to the three (3) options being considered, with the costs and how they interact, to be present at the next meeting with questions. He said that Mr. Bell had met with the seniors at the Senior Center and that they had expressed their concern regarding the teachers, the students, and making the costs affordable. Councilor Pike added that the group cared very much and would like to see a local High School. Vice Chair Levy said that Mr. Bell was looking at giving his thoughts on the next steps to the School Board, once the whole product was summarized. He said that the meetings would be starting next week, and that Mr. Bell had suggested signing up at the SAU office.

Vice Chair Levy reported that at the next meeting of the Economic Development Committee they would be discussing zoning, potential development, and types of development for elderly housing.

Chairman Nazzaro pointed out that there were other committees that were appointed positions, and that if Councilors desired to be on a specific committee, they should let him know. Town Administrator Fournier said that he would send out an email listing of the other committees.

Councilor Thompson asked what she needed to do regarding her at-large vacancy on the EDC committee. Chairman Nazzaro said that she should ensure that one of the Councilors was on that board, and they would advertise that there was an at-large position available. Vice Chair Levy stated that there were two (2) at-large positions, and Chairman Nazzaro advised they not attend any meetings until further notice. Vice Chair Levy said that in addition to the website issues raised by Councilor Weinstein, he felt that it would be also be helpful for the Council to be made aware of open appointments, particularly openings the Council needed to weigh in on, before the meeting requiring the vote. He next pointed out that the Economic Development Committee (EDC) currently consisted of eleven (11) members, and that as chairman he had found it difficult to get everyone to a 5:30 pm meeting. Chairman Nazzaro asked Town Administrator Fournier how the EDC would go about making such a change, and he replied that the Council would decide. Vice Chair Levy felt that nine (9) members was a healthy committee and that if the spots were not filled, the Council might want to reconsider the number of members. Chairman Nazzaro suggested he make an agenda item for a future meeting.

Councilor Pike went back to the School Joint Advisory Committee meeting and said that he felt it was important to address what assumptions were inherent in the Model, what the weaknesses were, and what things were not accounted for. He felt that this would allow people to better understand the conclusions regarding the Model, if they understood how the Model was constructed. Vice Chair Levy said that Mr. Bell had concluded that a 30-year bond might be the most realistic number of years, as they should equal the number of years for evaluating the cost/benefit. He added that he had asked Mr. Bell about the savings to the Town with a 20-year bond and what the impact would be to the tax rate. Chairman Nazzaro recommended that anyone wanting to know about the Model and costs involved should plan to attend the April 7th meeting.

OLD BUSINESS

ORDINANCES AND RESOLUTIONS IN THE 2ND READING

Resolution #2014/2015-46 Naming Certain Streets in Town – Hayden Place (Off Bald Hill Road)

Councilor Thompson made a motion to approve *Resolution #2014/2015-46 Naming Certain Streets in Town – Hayden Place*, and Councilor Burns seconded.

Town Administrator Fournier polled the council and the motion to approve *Resolution #2014/2015-46* passed unanimously, 7-0.

ORDINANCES AND RESOLUTIONS IN THE 3ND READING - None

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ITEMS LAID ON THE TABLE - None

NEW BUSINESS/CORRESPONDENCE

TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS - None

ORDINANCES AND RESOLUTIONS IN THE 1ST READING

Resolution #2014/2015-47 Agreement with Wright Pierce for Bidding Services for Wastewater Treatment Plant (WWTP) Improvement Project

Chairman Nazzaro read *Resolution #2014/2015-47 Agreement with Wright Pierce for Bidding Services for Wastewater Treatment Plant (WWTP) Improvement Project*, in full.

Resolution #2014-2015 – 48 DBU Construction to Perform Horizontal Directional Drill for MacIntosh Well Project

Chairman Nazzaro read *Resolution #2014-2015 – 48 DBU Construction to Perform Horizontal Directional Drill for MacIntosh Well Project*, in full.

CORRESPONDENCE/CLOSING COMMENTS

Councilor Weinstein brought up the Newmarket Community Education Partnership (NCEP), a group that last year granted \$17,000 to programs that directly affect the youth of the Town. She said that though most of the money goes to the School, some of the funds go to the Recreation Center and that she had copies of the latest newsletter available. Vice Chair Levy said that he personally wanted to thank former Councilor Bentley for his five (5) years of service and felt that Newmarket should be very grateful.

ADJOURNMENT

Vice Chair Levy made a motion to adjourn the meeting, which was seconded by Councilor Weinstein. The meeting was adjourned at 8:01 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary.